CLASSIFICATION OFFICE DECISION

Title of publication:	5003_8.JPG
Other known title(s):	Not stated
OFLC ref:	1600211.010
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Commissioner of Police
Classification:	Objectionable except if the availability of the publication is restricted to the person depicted in the image.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	19 May 2016
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	18 May 2016

Summary of reasons for decision:

The publication depicts a naked teenage girl in a manner that is reasonably capable of a sexual reading. As a self-produced image confined to the subject's own keeping, the image is not exploitative. However, if it were to be made public and disseminated beyond the subject's intended audience, this would have the effect of exploiting the subjects and her nudity. In the hands of persons with a sexual interest in young people, the image is likely to be eroticised and the young subject objectified and sexualised. However, it would be unfair and unreasonable to penalise the subject for taking such a photograph of her own body.

Making the image publicly available beyond the subject is likely to be injurious to the public good. Restricting the availability to the subject of the image will have the same effect as an objectionable classification without criminalising the subject for possessing an image of herself. Any other person in possession of any of this publication is in breach of the classification.

The classification of this publication is a reasonable and justified limitation on the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990. It is

consistent with Parliament's intention to limit the availability of publications that exploit the nudity of young persons.